

AMENDMENTS TO THE DRAWINGS:

Please add the attached Figure 5. Figure 5 is presented as a new sheet and has been appropriately labeled pursuant to 37 C.F.R. §1.121(d). No new matter has been added to the application through the addition of Figure 5.

REMARKS

I. Introduction

Claims 1 to 18 are pending in the present application. In view of the preceding amendments and the following remarks, applicants respectfully submit that claims 1 to 18 are patentable and request reconsideration of the application.

II. Objection to the Drawings Under 37 C.F.R. §1.83(a)

The Examiner objects to the drawings under 37 C.F.R. §1.83(a) as allegedly not illustrating the features of a window and a flap opening.

Applicants have added new Figure 5, illustrating the features of a window and flap opening. Applicants respectfully submit that no new matter has been added to the application through this amendment. Applicants respectfully request withdrawal of the objection to the drawings.

III. Objection to the Specification

The Examiner objects to the specification as allegedly containing an improper incorporation by reference of essential material and as missing Figure 5.

Applicants respectfully submit that the specification's incorporation by reference of the priority German application is proper because the priority German application does not add any essential subject matter into this application beyond that which is already explicitly contained in the application.

In addition, Applicants have now submitted herewith new Figure 5, which was inadvertently not included with the Amendment dated September 21, 2005 which also amended the specification to add a description of Figure 5. No new matter has been added. Therefore, applicants respectfully request withdrawal of the objection to the specification.

Applicants have furthermore added Figure 5, thereby allowing the specification to match the exemplary embodiment provided in the drawings. Applicants respectfully request withdrawal of the objection to the specification.

IV. Rejection of Claims 1 to 3, 7, 8, 10 to 12, 16 and 17 Under 35 U.S.C. §103(a)

Claims 1 to 3, 7, 8, 10 to 12, 16 and 17 were rejected as unpatentable by Japanese Published Patent 63020216 ("the '216 patent") in view of European Patent EP 595741 ("Georgen"). Applicants respectfully submit that the attempted combination of the '216 patent and Georgen does not render obvious claims 1 to 3, 7, 8, 10 to 12, 16 and 17 for the following reasons.

Claim 1 relates to an extendable protective awning for a vehicle. Claim 1 recites the features of a base frame fastenable to the vehicle and a protective surface movable between at least one retracted basic position and an extended end position by a linkage, wherein the base frame is configured to be arranged in an interior of the vehicle in a region of an upper boundary of one of (a) a door, (b) a window and (c) a flap opening of the vehicle, the protective surface extendable from the retracted basic position through an opened one of (a) the door, (b) the window and (c) the flap opening into the end position. Claim 1 also recites that the linkage is composed of at least two levers. Claim 1 has been amended, without prejudice herein, to add the feature of a deflecting roller, the deflecting roller configured to deflect the protective surface during passage from the retracted basic position to the extended end position. Independent claims 3, 8, 10, 12 and 17 have also be amended to include this feature. Support for the amendments to the claims is found, for example, in Figure 4 of the application.

Applicants respectfully submit that the '216 patent does not disclose or suggest the feature of a deflecting roller, the deflecting roller configured to deflect the protective surface during passage from the retracted basic position to the extended end position. The '216 patent relates to a protective cover 2 which is fastened to an automobile. A conical shaped shaft is positioned in a casing and fixed to an upper edge of a door opening. The protective cover 2 is wound around the conical shaped shaft which is actuated to allow the protective cover 2 to be unrolled and rolled onto the shaft. The protective cover 2 is attached to a point on the car through a metal hook (k). When the door is opened, the protective cover 2 is unrolled from the conical shaped shaft and extends over a semi-circular arc along which the door has traveled during the opening process. The '216 patent does not disclose or even suggest any deflecting rollers. The '216 patent merely provides a straight pull retraction and extension mechanism and does not provide for any deflecting rollers whatsoever.

Georgen also fails to disclose a deflecting roller, and therefore the attempted combination of Georgen with the '216 patent does not cure the critical defects of the '216 patent. Georgen allegedly relates to an automatic operation of a moving part 7 of a box. A roller holder lever 11 is controlled by a cam 18 carried by a bar. This assembly is then connected to a fixed part 6 and a moving part 7 by a triangulated system (16-13-17a). Figure 4 provides a cross-sectional view of the box in an open configuration. As presented in this open configuration, the fabric 1 is rolled around a drum 4. During the opening of the case, the fabric 1 is extended out of the case. In the closed position, illustrated in Figure 5, the end of the fabric is retained in the case. In both the closed and the open configurations provided in Figures 4 and 5, the fabric 1 is directly unwound from the drum. No deflecting rollers are disclosed or suggested in either of the references. Consequently, independent claims 1, 3, 8, 10 and 17 are allowable.

Claims 2 and 7 depend from claim 1 and therefore include all of the features of amended claim 1. Applicants respectfully request withdrawal of the rejection of claims 2 and 7 for at least the reasons provided above in relation to claim 1.

Claims 11 and 16 depend from claim 10 and therefore include all of the features of amended claim 10. Applicants respectfully request withdrawal of the rejection of claims 11 and 16 for at least the reasons provided above in relation to claim 10.

V. Rejection of Claims 9 and 18 Under 35 U.S.C. §103(a)

Claims 9 and 18 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Georgen in view of the '216 patent. Applicants respectfully submit that claims 9 and 18 are patentable for the following reasons.

Amended claim 9 relates to an extendable protective awning for a vehicle, comprising a base frame fastenable to the vehicle, a protective surface movable between at least one retracted basic position and an extended end position by a linkage, and a deflecting roller positioned in the base frame, wherein the base frame is configured to be arranged in an interior of the vehicle in a region of an upper boundary of one of (a) a door, (b) a window and (c) a flap opening of the vehicle, the protective surface extendable from the retracted basic position through an opened one of (a) the door, (b) the window and (c) the flap opening into the end position,

wherein the base frame is integrated into a housing, an outer surface of the housing configured to match an interior surface in the region of the upper boundary of the one of (a) the door, (b) the window and (c) the flap opening into the end position, wherein the housing includes a base plate and a hood fastenable to a structure of the vehicle, the base plate releasably connected to the hood, the protective surface and the linkage fastened to the base plate and the deflecting roller configured to deflect the protective surface during passage from the retracted basic position to the extended end position. Support for the amendment to claim 9 is found, for example, in Figure 4.

Amended claim 18 is drawn to a motor vehicle with an extendable awning. Claim 18 also requires the feature of a deflecting roller positioned in the base frame as well as the deflecting roller configured to deflect the protective surface during passage from the retracted basic position to the extended end position.

As provided above, both the '216 patent and Georgen fail to disclose, or suggest, a deflecting roller positioned in the base frame, the deflecting roller configured to deflect the protective surface during passage from the retracted basic position to the extended end position. As the attempted combination of references fails to disclose or suggest these features, applicants respectfully request withdrawal of the rejections to claims 9 and 18.

VI. Allowable Subject Matter

Applicants acknowledge that claims 4 to 6 and 13 to 15 are allowed.


VII. Conclusion

It is respectfully submitted that all pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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